

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

Note: Instructions to DNRC staff for preparing this EA can be found at:  
[http://www.dnrc.state.mt.us/eis\\_ea.html](http://www.dnrc.state.mt.us/eis_ea.html)

**Part I. Proposed Action Description**

1. *Applicant/Contact name and address:*

Richard and Judy Childress  
9160 Hampton Road  
Lexington, KY

2. *Type of action:* APPLICATION FOR BENNEFICIAL WATER USE PERMIT# 43B-30042679

3. *Water source name:* Rock Creek

4. *Location affected by action:* NWNWNW, Sec. 24, T7S, R6E, PARK COUNTY.

*Narrative summary of the proposed project, purpose, action to be taken, and benefits:*

The applicant is requesting 600 GPM and up to 14.88 acre-feet per year from May 1 through July 15 from Rock Creek to be stored in a 9.01 acre-foot reservoir for a fishery and irrigation of up to 0.35 acres of lawn and garden. The requested volume is for one fill plus 3.31 acre-feet of evaporation.

5. *Agencies consulted during preparation of the Environmental Assessment:*  
*(include agencies with overlapping jurisdiction)*  
Montana Natural Heritage Program (MTNHP)  
Montana Department of Environmental Quality (TMDL listing 2006 303(d)(list)  
Montana Department of Fish, Wildlife & Parks (DFWP)(MFISH)  
USDA – NRCS – Web Soil Survey

**Part II. Environmental Review**

1. **Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

**WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: Water measurements were conducted by Water Right Solutions and citations were included from The United States Geological Survey as to flow in the creek meeting and exceeding the demands of the application.

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: No significant adverse impact.  
Rock Creek is not listed on the TMDL water quality impaired list. The proposed project would not have an adverse affect to the water quality of the stream.

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: No significant adverse impact to groundwater quality or supply.

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: No significant adverse impact.  
Water is proposed to be diverted from Rock Creek by pipeline for one mile to fill the pond.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: No significant adverse impact.  
According to the MTNHP there are several species of special concern in the area. The following are species of special concern: Canis lupus or Gray Wolf; Lynx Canadensis or Canada Lynx; Gulo gulo or Wolverine; Martes pennanti or Fisher; Numenius americanus or Long-billed Curlew; Gavia immer or Common Loon; three occurrences of Haliaeetus leucocephalus or Bald Eagle; three occurrences of Grindelia howellii or Howell's Gumweed; three occurrences of Oncorhynchus clarkia lewisi or Westslope Cutthroat Trout; two occurrences of Salvelinus confluentus or Bull Trout.

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: No significant adverse impact.  
No wetland have been identified in the area of the proposed pond.

**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted..

*Determination:* No significant adverse impact.

This project is to provide Rock Creek water for the proposed man made pond.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

*Determination:* No significant adverse impact.

Perma gravelly loam is the major soil type in the project area. This project will not cause a degradation of soil quality; alter the soil stability or moisture content. The typical profile of the soil is from 0 to 10 inches gravelly loam, from 10 to 32 inches very gravelly loam and from 32 to 60 inches extremely gravelly sandy loam. The frequency of flooding and ponding is none. The land capability classification is irrigated. Saline seep should not be a concern.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

*Determination :* No significant adverse impact.

The project should not have an impact to vegetative cover. The new pivot is being placed over an area of historic irrigation. Some new ground will be involved, but will be planted to crop. This should not allow any noxious weeds to take control. The landowner is responsible for controlling any noxious weeds on the property.

**AIR QUALITY** - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

*Determination:* No significant adverse impact.

This project should not cause a deterioration of air quality or cause adverse effects to vegetation due to increased air pollutants.

**HISTORICAL AND ARCHEOLOGICAL SITES** - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

*Determination:* No significant adverse impact.

The proposed project involves land that has been previously disturbed.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - Assess any other impacts on environmental resources of land, water and energy not already addressed.

*Determination:* NOT IDENTIFIED AS A SIGNIFICANT IMPACT.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: NOT INCONSISTENT WITH ADOPTED PLANS OR GOALS

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: PROJECT HAS HISTORICALLY EXISTED.

**HUMAN HEALTH** - Assess whether the proposed project impacts on human health.

Determination: NOT IDENTIFIED AS A SIGNIFICANT IMPACT.

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes\_\_\_ No\_X\_. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: NONE IDENTIFIED.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (A) CULTURAL UNIQUENESS AND DIVERSITY? NOT IDENTIFIED AS A SIGNIFICANT IMPACT.
- (B) LOCAL AND STATE TAX BASE AND TAX REVENUES: NOT IDENTIFIED AS A SIGNIFICANT IMPACT.
- (C) EXISTING LAND USES? NOT IDENTIFIED AS A SIGNIFICANT IMPACT.
- (D) QUANTITY AND DISTRIBUTION OF EMPLOYMENT? NOT IDENTIFIED AS A SIGNIFICANT IMPACT.
- (E) DISTRIBUTION AND DENSITY OF POPULATION AND HOUSING? NOT IDENTIFIED AS A SIGNIFICANT IMPACT.
- (F) DEMANDS FOR GOVERNMENT SERVICES? NOT IDENTIFIED AS A SIGNIFICANT IMPACT.
- (G) INDUSTRIAL AND COMMERCIAL ACTIVITY? NOT IDENTIFIED AS A SIGNIFICANT IMPACT.
- (H) UTILITIES? NOT IDENTIFIED AS A SIGNIFICANT IMPACT.
- (I) TRANSPORTATION? NOT IDENTIFIED AS A SIGNIFICANT IMPACT.
- (J) SAFETY NOT IDENTIFIED AS A SIGNIFICANT IMPACT.
- (K) OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES? NOT IDENTIFIED AS A SIGNIFICANT IMPACT.

2. Secondary and cumulative impacts on the physical environment and human population:  
Secondary Impacts: **There have been no secondary impacts on the physical environment and human population identified at this time.**  
Cumulative Impacts: **There have been no cumulative impacts on the physical environment and human population identified at this time.**

**3. Describe any mitigation/stipulation measures:**

No mitigation or stipulation measures have been identified or discussed at this time. The application will go through the DNRC public notice procedure, and water users concerned with the potential impacts will be given the opportunity to object to the application. The decision by the DNRC to grant or deny the application would not be made until these review processes are completed.

- 4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:** NO ACTION: THE APPLICANT COULD DRILL A WELL TO SUPPLY THE POND AND HAVE A MORE RELIABLE WATER SOURCE.

**PART III. Conclusion**

*Based on the significance criteria evaluated in this EA, is an EIS required? NO*

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*  
AN EA IS APPROPRIATE FOR THIS PROJECT

*Name of person(s) responsible for preparation of EA:*

*Name:* PORTER DASSENKO

*Title:* WATER RESOURCE SPECIALIST

*Date:* 11/06/2008